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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RITA STRAND,

Plaintiff,

V.

AUTOMOTIVE MACHINISTS PENSION
TRUST,

Defendant.

Civil No. 06-1193-PK

ORDER

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on February 27, 2007. Defendant filed timely objections to the Findings and Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak. This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak dated February 27, 2007 in its entirety except for a change to the fourth sentence of the first full paragraph on page 6, which should read: At oral argument, the Trust conceded that the second consent provision, relating to the Life Annuity Option, contains a misstatement on the form and thus, standing alone, does not constitute an adequate waiver of Mrs. Strand's right to survivor interest.

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (#7) is granted. Defendant's oral Motion for Summary Judgment is granted in part and denied in part.

DATED this 2nd day of April, 2007.


GARR M. KING
United States District Judge